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Agenda item 168

PERSONNEL QUESTIONS

Working Group on the equitable geographical representation of Member States in the Secretariat

Report of the Vice-Chairman of the Fifth Committee of the General Assembly at its forty-seventh session

1. By resolution 47/226 of 30 April 1993 the General Assembly decided to establish an open-ended Working Group of the Fifth Committee of the General Assembly and requested its Chairman to convene a meeting of the Working Group for one week in 1993 at Headquarters to consider the formula for the determination of equitable geographical representation of Member States in the Secretariat, on the basis of Article 101, paragraph 3, of the Charter of the United Nations, as set out in Assembly resolution 41/206 C of 11 December 1986 and further outlined in Assembly resolutions 42/220 A of 21 December 1987, 45/239 A of 21 December 1990, 46/232 of 2 March 1992 and other relevant resolutions.

2. The Assembly also requested the Chairman of the Fifth Committee to report thereon to the Assembly at its forty-eighth session, as an exceptional measure and without prejudice to the full implementation of General Assembly resolution 46/220 of 20 December 1991.

3. The Working Group held five meetings between 19 and 23 July 1993 at Headquarters, New York, under the chairmanship of the Vice-Chairman of the Fifth Committee, who, in the absence of the Committee's Chairman, was charged with carrying out this task on his behalf. To assist it in its discussions, the Group had before it a working paper prepared by the Secretariat.

4. This working paper contained information on the system of geographical distribution followed by two organizations in the United Nations system. The World Health Organization (WHO) uses the formula established by the United Nations adapted to the requirements of its own membership and number of geographical posts. The World Meteorological Organization (WMO) has no

indicative quota or any other system of geographical distribution. The reason for this is the relatively small number of Professional posts in relation to the number of member States of WMO. However, the principle of equitable geographical distribution is kept in mind in appointing staff members and every effort is made by WMO to achieve the most equitable representation of its membership possible.

5. The following issues were raised by delegations during the debates:

(a) The number of posts subject to geographical distribution was questioned in the sense that an effort should be made to identify other posts that could be included in the base figure;

(b) Information was sought on such types of personnel as short-term employees (i.e. staff recruited for less than one year), civilian personnel assigned to missions, contractual personnel and others. At the same time, it was emphasized that the difference between permanent and temporary posts should be borne in mind;

(c) Different opinions were voiced about the usefulness of continuing to exclude from geographical distribution posts in other United Nations organs (i.e. the United Nations Development Programme (UNDP) and the United Nations Children's Fund (UNICEF)), mission posts, posts in the General Service and related categories and others;

(d) The validity of the Charter, particularly Article 101.3, as a guiding principle for the composition of the staff was reaffirmed. It was pointed out in that context that the system of desirable ranges was only one of the methods that could be used to apply the principles of the Charter;

(e) It was proposed that the system of desirable ranges should be abandoned altogether or at least temporarily suspended. It was pointed out, on the other hand, that if the ranges were eliminated there would be no way to measure the representation of Member States in the Secretariat;

(f) The opinion was also voiced that the system of ranges should be maintained but applied with more flexibility;

(g) It was felt that it was not the system of ranges but rather the relationship among the three factors, membership, contribution and population, and their relative weight that should be reviewed. During the discussions on that particular aspect of the question, delegations tended to espouse one of three positions favouring a greater weight being given, respectively, to each of the above-mentioned factors;

(h) It was suggested that more emphasis should be placed on the weighted ranges for the representation of Member States, for it was not only the number of nationals of a given State in the Secretariat that counted, but also their rank and position;

(i) It was felt that the present discontent with the system of ranges could be allayed through the introduction of an upward flexibility different from the downward flexibility. In practical terms, the downward flexibility

could remain at 15 per cent while the upward flexibility could be set at a higher rate, such as 25 per cent. This would alleviate the problems created by the overrepresentation of some Member States;

(j) Great interest was also expressed in the methods used by other international organizations to gauge the geographical representation of their membership.

6. The Working Group found itself unable to agree on specific conclusions and recommendations.

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PROPOSED PROGRAMME BUDGET FOR THE BIENNIUM 1994-1995

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Programme budget implications of draft resolution A/C.3/48/L.38

Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly

1. At its 54th meeting, held on 8 December 1993, the Third Committee adopted, without a vote, draft resolution A/C.3/48/L.38. A statement of programme budget implications was before the Committee in document A/C.3/48/L.80.

A. Requests contained in the draft resolution

2. Under the terms of operative paragraphs 2 and 9 of draft resolution A/C.3/48/L.38, the General Assembly would:

(a) Endorse the Vienna Declaration and Programme of Action, 1/ adopted on 25 June 1993 by the World Conference on Human Rights;

(b) Request the Secretary-General, the General Assembly, the Commission on Human Rights and other organs and agencies of the United Nations system related to human rights to take further action with a view to the full implementation of all recommendations of the Conference.

B. Relationship of the request to the approved programme of work

3. The above request is related to major programme VII, Human rights, fundamental freedoms and humanitarian affairs, programme 35, Promotion and protection of human rights, of the medium-term plan for the period 1992-1997, as revised by the General Assembly at its forty-seventh session, 2/ and the programme of activities of section 21, Human rights, of the proposed programme budget for the biennium 1994-1995. 3/

C. Activities by which the request would be implemented

4. It may be recalled that, in the proposed programme budget for the biennium 1994-1995, the Secretary-General proposed an increase in the level of resources for the Centre for Human Rights in order to provide for the strengthening of the Centre. Following a careful review of the provisions of the Vienna Declaration and Programme of Action, 4/ which this draft resolution would endorse, it is anticipated that with this increase in the level of resources, the Centre would be in a position to respond to most of the provisions of the Programme of Action that are addressed to the Centre. A limited number of provisions that would give rise to the need for additional resources are dealt with in the present statement.

1. Ratification of the human rights treaties and protocols

5. In paragraph 4 of section II of the Vienna Declaration and Programme of Action, 4/ the World Conference on Human Rights strongly recommends that a concerted effort be made to encourage and facilitate the ratification of and accession or succession to international human rights treaties and protocols adopted within the framework of the United Nations system with the aim of universal acceptance. The Secretary-General, in consultation with treaty bodies, should consider opening a dialogue with States not having acceded to these human rights treaties, in order to identify obstacles and to seek ways of overcoming them.

6. In order to implement this recommendation, the organization of two regional meetings would be required with a view to familiarizing appropriate officials with the contents of the treaties, encouraging ratification and identifying and resolving obstacles to ratification. In addition, the Centre for Human Rights, in consultation with the treaty bodies, would carry out a study by region on ratification of human rights treaties with a view to identifying the obstacles to ratification or acceptance and the means by which they can be overcome. The result would be suggestions for an overall approach to achieving universal acceptance as soon as possible. Another study by region would also be carried out regarding reservations and ways and means of achieving the objectives of the World Conference.

7. This would require the provision of temporary assistance ($137,000) to prepare the studies and $131,000 for the convening of two meetings.

8. The following activities would be included in the proposed programme budget for the biennium 1994-1995 under subprogramme 1, Implementation of international instruments and procedures of section 21, Human rights:

"2 (b) Technical services

"(iii) Two technical studies: (a) ratification of human rights treaties; (b) reservations and ways and means of achieving the objectives of the World Conference."

2. Racism, racial discrimination, xenophobia and other forms of intolerance

9. Under paragraph 19 of section II of the Programme of Action, the World Conference considers the elimination of racism and racial discrimination as a primary objective for the international community and a world-wide promotion programme in the field of human rights, and calls for United Nations organs and agencies to strengthen their efforts to implement a programme of action related to the Third Decade to Combat Racism and Racial Discrimination. The strengthening of efforts, bearing in mind also the provisions contained in draft resolution A/C.3/48/L.13/Rev.1 concerning the proclamation of the Third Decade and its related Programme of Action, would require that a team within the Centre for Human Rights be established. The team would monitor the implementation of the programme of activities within the framework of the Decade. Two additional posts, one P-5 and one General Service/Other Level post, would be required. The P-5 officer would be responsible for coordination and monitoring of all activities within the Centre for Human Rights and would maintain liaison with agencies and institutions for developing common approaches on this subject.

10. The additional activities which would be included in the proposed programme budget for the biennium 1994-1995, section 21, Human rights, subprogramme 2, Elimination and prevention of discrimination and protection of minorities and vulnerable groups, are as follows:

"3. Coordination, harmonization and liaison

"(a) Coordination and monitoring of activities of the Third Decade to Combat Racism and Racial Discrimination."

3. Indigenous people

11. Under paragraph 30 of section II of the Vienna Declaration and Programme of Action, the World Conference recommends that adequate human and financial resources be made available to the Centre for Human Rights within the overall framework of strengthening the Centre's activities and, under paragraph 32, the World Conference recommends that the General Assembly proclaim an international decade of the world's indigenous people, to begin from January 1994, including action-oriented programmes to be decided upon in partnership with indigenous people.

12. In pursuance of these recommendations and bearing in mind similar provisions contained in draft resolution A/C.3/48/L.54, the provision to the Centre for Human Rights of two additional posts, one P-4 and one General Service, would be required in order to assist in the coordination of the programme of activities for the International Decade of the World's Indigenous People, in full consultation with Governments, relevant bodies, the specialized agencies, indigenous and non-governmental organizations and the organization and servicing of all meetings relating to this subject, including the Working Group on Indigenous Populations, seminars of experts, drafting of reports and supervising consultants engaged in preparation of reports mandated by the General Assembly and by the Commission on Human Rights. The officer would also maintain liaison with special rapporteurs, conduct research and prepare articles and other promotional material. The programmes and projects to be undertaken in pursuance of the goals of the Decade would be financed from a voluntary trust fund which would be established for this purpose.

13. The additional activities which would be included in the proposed programme budget for the biennium 1994-1995, section 21, Human rights, subprogramme 2, Elimination and prevention of discrimination and protection of minorities and vulnerable groups, are as follows:

"3. Coordination, harmonization and liaison

"(b) Coordination of activities relating to the Working Group on Indigenous Populations and the programme for indigenous people (including the activities of the International Year of the World's Indigenous People).

4. Rights of the child

14. Under paragraph 46 of section II of the Vienna Declaration and Programme of Action, the World Conference on Human Rights recommends that measures should be taken to achieve universal ratification of the Convention on the Rights of the Child 5/ by 1995 and the universal signing of the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s 6/ adopted by the World Summit for Children. Under paragraph 53, the World Conference recommends that the Committee on the Rights of the Child, with the assistance of the Centre for Human Rights, be enabled expeditiously and effectively to meet its mandate, especially in view of the unprecedented extent of ratification and subsequent submission of country reports.

15. In order to implement these recommendations, a focal point would be established at the Centre for Human Rights to coordinate action and to maintain liaison on issues related to the child within the United Nations. It would also coordinate closely with the United Nations Children's Fund (UNICEF) with regard to achieving the goals of the World Summit for Children. Increased assistance would be provided to the Committee on the Rights of the Child, in order that the Committee may deal with the reporting obligations of the more than 150 States

parties. This would require the provision to the Centre of Human Rights in 1994-1995 of four additional posts, one P-4, one P-3 and two General Service.

16. The P-4 human rights officer would act as a focal point in the office of the Assistant Secretary-General and would coordinate action and maintain liaison on issues related to the child within the United Nations system, in particular with UNICEF, and other relevant agencies and bodies. The officer would also coordinate closely with UNICEF with regard to achieving the goals of the Programme of Action of the World Summit for Children, including the integration of the Convention on the Rights of the Child into national plans of action, and would finalize a specific programme for ratification of the Convention by 1995.

17. The P-3 human rights officer would assist the Secretary of the Committee on the Rights of the Child in performing necessary organizational, research, drafting and analytical tasks related to the operation of the Committee.

18. The following activities would be included in the proposed programme budget for the biennium 1994-1995, section 21, Human rights, subprogramme 2, Elimination and prevention of discrimination and protection of minorities and vulnerable groups:

"3. Coordination, harmonization and liaison

"(c) Coordination of and liaison on the activities relating to rights of the child."

D. Additional requirements at full cost

19. The implementation of the requests contained in draft resolution A/C.3/48/L.38 would require a total additional provision of $1,987,400, as follows:

	Thousands of US dollars
(a) Ratification of the human rights treaties	
Temporary assistance:	
(9 work-months of P-4, 6 work-months of GS)	137.0
Travel of 15 participants to 2 meetings	131.0
Total	268.0
(b) Racism and racial discrimination (1 P-5, 1 GS)	468.4
(c) Indigenous people (1 P-4, 1 GS)	431.1
(d) Rights of the child (1 P-4, 1 P-3, 2 GS)	819.9
Grand total	1 987.4

In addition, it is estimated that $505,000 would be required under section 28 (Staff assessment), to be offset by the same amount under Income section 1 (Income from staff assessment).

E. Potential for absorption

20. In the proposed programme budget for the biennium 1994-1995, under section 21, Human rights, provision has been made for one P-4, one P-3 and two General Service posts in connection with the implementation of the International Convention on the Protection of All Migrant Workers and Members of Their Families. 7/ Since this Convention is not likely to enter into force during the biennium 1994-1995, these resources would be redeployed to the additional work envisaged in respect of the rights of the child. As and when the Convention on the Protection of All Migrant Workers and Members of Their Families enters into force, the Secretary-General will revert to the question and seek the resources required. As regards the remaining activities described in the present statement, no provision has been made in the proposed programme budget for the biennium 1994-1995.

F. Indication of additional requirements

21. Accordingly, should the General Assembly adopt draft resolution A/C.3/48/L.38, it is estimated that additional requirements of $1,167,500 would arise under section 21, Human rights, of the proposed programme budget for the biennium 1994-1995. Furthermore, an amount of $287,100 would be requested under section 28, Staff assessment, to be offset by the same amount under Income section 1, Income from staff assessment.

G. Contingency fund

22. It will be recalled that under the procedure established by the General Assembly in its resolution 41/213 of 19 December 1986, a contingency fund is established each biennium to accommodate additional expenditures derived from the legislative mandates not provided for in the proposed programme budget. Under the same procedure, if additional expenditures are proposed that exceed resources available from the contingency fund, these activities can be implemented only through the redeployment of resources available from low-priority areas or the modification of existing activities. Otherwise, such additional activities will have to be deferred until a later biennium. A consolidated statement of all programme budget implications and revised estimates will be submitted to the General Assembly towards the end of the current biennium.

23. No activity has been identified for termination, deferral, curtailment or modification under section 21 of the proposed programme budget for the biennium 1994-1995. Should it not prove possible to meet the costs required from the contingency fund, the implementation of the draft resolution may have to be postponed, as provided for under the guidelines for the use and operation of the

continency fund adopted by the General Assembly in resolution 42/211 of 21 December 1987.

H. Summary

24. Should the General Assembly adopt draft resolution A/C.3/48/L.38, it is estimated that additional appropriations of $1,167,500 would be required under section 21 of the proposed programme budget for the biennium 1994-1995. Furthermore, an amount of $287,100 would be required under section 28, Staff assessment, to be offset by the same amount under income section 1, Income from staff assessment.

Notes

1/ A/CONF.157/23.

2/ See Official Records of the General Assembly, Forty-seventh Session, Supplement No. 6 (A/47/6/Rev.1), vol. II.

3/ A/48/6 (sect. 21).

4/ A/CONF.157/24 (part I), chap. III.

5/ Resolution 44/25, annex.

6/ A/45/625, annex.

7/ Resolution 45/158, annex.

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PROPOSED PROGRAMME BUDGET FOR THE BIENNIUM 1994-1995

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Programme budget implications of draft resolution A/C.3/48/L.74/Rev.1

Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly

1. At its 55th meeting, on 9 December 1993, the Third Committee adopted, without a vote, revised draft resolution A/C.3/48/L.74/Rev.1. A statement of programme budget implications was before the Committee in document A/C.3/48/L.81.

A. Requests contained in the draft resolution

2. Under the terms of operative paragraph 27 of draft resolution A/C.3/48/L.74/Rev.1, the General Assembly would urge the Secretary-General, within existing resources, to make all necessary resources available for the Special Rapporteur to carry out his mandate and in particular to provide him with adequate staff based in the territories of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to ensure effective continuous monitoring of the human rights situation there and coordination with other United Nations bodies involved, including the United Nations Protection Force.

B. Relationship of the request to the proposed programme of work

3. The above request is related to major programme VII, Human rights, fundamental freedoms and humanitarian affairs, programme 35, Promotion and protection of human rights, of the medium-term plan for the period 1992-1997, as revised by the General Assembly at its forty-seventh session. 1/ Related activities are reflected under subprogramme 1, Implementation of international instruments and procedures, of section 21, Human rights, of the proposed programme budget for the biennium 1994-1995. 2/

C. Activities by which the request would be implemented

4. It may recalled that at its first special session, in August 1992, the Commission for Human Rights requested its Chairman to appoint a special rapporteur 3/ to investigate firsthand the human rights situation in the territory of the former Yugoslavia, in particular within Bosnia and Herzegovina, and to receive relevant and credible information on the human rights situation there from Governments, individuals and intergovernmental and non-governmental organizations, on a continuing basis, and to avail himself or herself of the assistance of existing mechanisms of the Commission on Human Rights. To assist the Special Rapporteur, five posts (1 P-5, 1 P-4, 3 P-3) were redeployed to the Centre in 1992 specifically to assist him in carrying out his mission. In addition, temporary assistance and operational resources relating to travel, transportation and equipment were also made available to assist the Special Rapporteur.

5. These resources have also been utilized to respond to subsequent legislative decisions, namely Economic and Social Council decisions 1993/255 and 1993/256.

6. During 1993 the Special Rapporteur conducted four trips to Geneva for consultations and the introduction of his report to the Commission on Human Rights and three fact-finding missions to the territory of the former Yugoslavia. Field activities in the region have also been undertaken by the Centre for Human Rights, which has in Zagreb three staff members financed from extrabudgetary resources. It is anticipated that the Special Rapporteur will continue to receive the level of support which he received during 1992 and 1993.

7. Under the terms of revised draft resolution A/C.3/48/L.74/Rev.1, the Secretary-General would be urged, within existing resources, to provide the Special Rapporteur with adequate staff based in the territories of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to ensure effective, continuous monitoring of the human rights situation there and coordination with other United Nations bodies involved, including the United Nations Protection Force. This would require the provision to the Centre for Human Rights in 1994 of additional temporary assistance funds in the total amount of $697,800 to cover the services of six P-3 field officers and three locally recruited General Service staff. The field officers would provide the Special Rapporteur with information which would allow him to fully assess the human rights situation in the territory of the former Yugoslavia and

to take prompt action. In addition, operational resources for travel and equipment would be required.

D. Modifications required in the proposed programme of work for 1994-1995

8. The activities called for by the draft resolution would fall under paragraph 1 (a) (i) of subprogramme 1 of section 21, Human rights, of the proposed programme budget for the biennium 1994-1995. Accordingly, no modifications would be required.

E. Additional requirements at full costs

9. The implementation of the request contained in operative paragraph 27 of revised draft resolution A/C.3/48/L.74/Rev.1 would require a total additional provision of $740,300, as follows:

	Thousands of United States dollars
(a) Temporary assistance	
Six P-3 for 12 work-months in 1994	661.8
Four locally recruited Secretary-translators (General Service) for 12 work-months in 1994	36.0
	697.8
(b) Non-post	
Travel of field officers after recruitment and back (Geneva-Belgrade)	13.0
Travel of field officers in the territory of the former Yugoslavia	15.0
Office equipment	14.5
	42.5
Total (a) and (b)	740.3

F. Potential for absorption

10. No specific provision has been made in the proposed programme budget for the biennium 1994-1995 under section 21, Human rights, to cover the estimated additional requirements of $740,300 related to the provision of staff to be based in the territory of the former Yugoslavia. Efforts will be made to secure voluntary resources for that purpose.

11. Accordingly, should the General Assembly adopt revised draft resolution A/C.3/48/L.74/Rev.1, no additional appropriations would be required under the proposed programme budget for the biennium 1994-1995.

Notes

1/ Official Records of the General Assembly, Forth-seventh Session, Supplement No. 6 (A/47/6/Rev.1), vol. II.

2/ A/48/6 (sect. 21).

3/ See Official Records of the Economic and Social Council, Supplement No. 2A (E/1992/22/Add.1/Rev.1), resolution 1992/S-1/1.